U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN)

DISTRICT OFFICE:

FILE NUMBER: NAN-2003-1319-ESP PROJECT LOCATION INFORMATION: State: New York County: Rockland Center coordinates of site (latitude/longitude): lat: 41-04-29. lon:73-59-53 Approximate size of area (parcel) reviewed, including uplands: 10 acres. Name of nearest waterway: Naurashuan Brook Name of watershed: Hackensack River JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) [X]Dates: November 26, 2003 Jurisdictional Determination (JD): [] Preliminary ID - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.8 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign eommerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [X] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate eommerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which arc or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1)

[X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Nauraushuan Brook is tributary to the Hackensack River which is a navigable interstate waterway

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 32	8 and 329)
	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
-	[] other.
[] other:	
[X] Mean High Water Mark indicated by: [] survey to available datum; [X] physical markings; [] veg	getation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland deli Consulting, P.A.	neation map and/or in a delineation report prepared by: Maser
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part 328	(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the basis of	
[] The Corps has made a case-specific determination that the fo	
the United States:	r
[] Waste treatment systems, including treatment ponds or lag	oons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to upland if	•
[] Artificial lakes and ponds created by excavating and/or dik	-
retain water and which are used exclusively for such purpo	
rice growing.	
[] Artificial reflecting or swimming pools or other small orna	mental bodies of water created
by excavating and/or diking dry land to retain water for prin	
[] Water-filled depressions created in dry land incidental to c	
the purpose of obtaining fill, sand, or gravel unless and unt	If the construction or excavation operation is
abandoned and the resulting body of water meets the defini 328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate com	merce.
[] Prior converted cropland, as determined by the Natural Res	
[] Non-tidal drainage or irrigation ditches excavated on dry la	and. Explain rationale:
[] Other (explain):	-
DATA REVIEWED FOR JURISDICTIONAL DETERMINA	
[X Maps, plans, plots or plat submitted by or on behalf of the ap	
[S] Data sheets prepared/submitted by or on behalf of the application	ınt.
	repared by (company):
[] This office does not concur with the delineation report, date	ed , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historie quadrangles:	
[] USDA Natural Resources Conservation Service Soil Survey:	
[X] National wetlands inventory maps:	
[X] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	

[] Aerial Photographs (Name & Date):

[X] Other photographs (Date): November 26, 2003
[] Advanced Identification Wetland maps:
[X] Site visit/determination conducted on: November 26, 2003
[] Applicable/supporting case law:
[] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2004-1208-WSH PROJECT LOCATION INFORMATION: State: New York County: Albany Center coordinates of site (latitude/longitude): lat: 42.737 lon:-73.733 Approximate size of area (pareel) reviewed, including uplands: 0.95 acres Name of nearest waterway: unnamed tributary Name of watershed: Hudson River JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: 30 May 07 Site visit(s) П Date(s): Jurisdictional Determination (JD): [X] Preliminary ID - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstare or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats. sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign eommerce. [] (iii) which are or could be used for industrial purposes by industries in interstate eommerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The project site is located within wetlands associated with an unnamed tributary to a navigable waterway named the Hudson River.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] elear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the eharacter of soil	[] physical markings/characteristics
destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	()
[] ••	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; [] ve	getation lines/changes in vegetation types.
(Janes et al manage amount, f. 1 best and a managed, f. 1 and	2
[X] Wetland boundaries, as shown on the attached wetland d	elineation map and/or in a delineation report prepared by:
Boswell Engineering	
- ·	
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part 3	28(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the basis	of 33 CFR part 328.3(a)(3).
[] The Corps has made a casc-specific determination that the	
the United States:	,
[] Waste treatment systems, including treatment ponds or l	agoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to upland	l if the irrigation ceased.
[] Artificial lakes and ponds created by excavating and/or of	diking dry land to collect and
retain water and which are used exclusively for such pur	poses as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other small or	namental bodies of water created
by excavating and/or diking dry land to retain water for p	
[] Water-filled depressions created in dry land incidental to	
the purpose of obtaining fill, sand, or gravel unless and u	
abandoned and the resulting body of water meets the defi	•
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate co	mmerce
[] Prior converted cropland, as determined by the Natural F	
[] Non-tidal drainage or irrigation ditches excavated on dry	-
[] Other (explain):	tund. Laptem recondic.
[] Other (explain).	
DATA REVIEWED FOR JURISDICTIONAL DETERM	INATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf of the	
[X] Data sheets prepared/submitted by or on behalf of the app	
[] This office concurs with the delineation report, dated, pr	
[] This office does not concur with the delineation report, of	
Data sheets prepared by the Corps.	, prepared by (company).
Corps' navigable waters' studies:	
U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	111
[] USDA Natural Resources Conservation Service Soil Survey	<i>y</i> .
] National wetlands inventory maps:	
] State/Local wetland inventory maps:	
] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
X J Aerial Photographs (Name & Date):	
1 Other photographs (Date):	

3

Advanced Identification Wetland maps:	
] Site visit/determination conducted on:	
] Applicable/supporting case law:	
Other information (please specify):	
Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual)	al)

⁽i.e., occurrence of hydrophytic vegetation, hydrie soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: FILE NUMBER:	NEW YORK DI NAN-2005-686-	,	ENAN)
PROJECT LOCATION State:	New York		
Approximate size of	Saratoga of site (latitude/longitude): farea (parcel) reviewed, inc terway: Hudson River Hudson River		
JURISDICTIONAL I	DETERMINATION		•
Completed:	Desktop determination Site visit(s)	[] [X]	Date: Date(s): August 16 and 17, and September 27,2005
Jurisdictional Determi	nation (JD):		
United States'			a appear to be (or) [] there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable
[] Approved JD - An ap Cheek all that apply:	pproved JD is an appealable	action (Ref	erence 33 CFR part 331).
	ble waters of the United Sta d area. Approximate size of		ned by 33 CFR part 329 and associated guidance) nal area:
	of the United States" (as de proximate size of jurisdiction		CFR part 328 and associated guidance) within the
			wetlands" within the reviewed area. nformation Sheet for Determination of No Jurisdiction.
	TIONAL DETERMINAT er 33 CFR part 329 as "na		ters of the United States":
[X] The presence of wa	-	bb and flow	of the tide and/or are presently used, or have been used
[X](1) The presence of interstate or foreign	commerce, including all w	used, or we aters which	ere used in the past, or may be susceptible to use in are subject to the ebb and flow of the tide.
(3) The presence of or sandflats, wetlands,	sloughs, prairie potholes, v	te lakes, river wet meadows	rs, streams (including intermittent streams), mudflats, s, playa lakes, or natural ponds, the use, degradation or
] (i) which are or could] (ii) from which fish o	be used by interstate or for r shellfish are or could be ta	eign traveler aken and solo	ading any such waters (check all that apply): rs for recreational or other purposes. d in interstate or foreign commerce.
(1) (4) Impoundments of X (5) The presence of	waters otherwise defined as a tributary to a water identi	s waters of th	
[] (6) The presence of te [X] (7) The presence of		waters of th	e US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The Hudson River is a navigable waterway where the proposed intake structure would be located. In addition, Kavaderosseras Creek is also considered a navigable waterway, since it was historically navigable. Other tributaries to the Hudson River include Snook Kill, Little Snook Kill, Putnam Brook, other tributaries and unnamed tributaries and associated wetlands within the Hudson River Basin.

Lateral Extent of Jurisdiction: (Reference: 33 CFR par	rts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other;
[] other:	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; []	vegetation lines/changes in vegetation types.
	d delineation map and/or in a delineation report entitled: "Wetland and Other colm Pirnie, Inc., prepared by C.T. Male Associates, P.C., dated July 8, 2005,
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	•
[] Unable to confirm the presence of waters in 33 CFR par	± 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the ba	sis of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that the United States:	he following waters present on the site are not Waters of
[] Waste treatment systems, including treatment ponds of	or lagoons, pursuant to 33 CFR part 328.3.
Artificially irrigated areas, which would revert to upla	
[] Artificial lakes and ponds created by excavating and/o	
	ourposes as stock watering, irrigation, settling basins, or
rice growing.	A STATE OF THE STA
[] Artificial reflecting or swimming pools or other small	ornamental bodies of water created
by excavating and/or diking dry land to retain water for	or primarily aesthetic reasons.
[] Water-filled depressions created in dry land incidenta	l to construction activity and pits exeavated in dry land for
the purpose of obtaining fill, sand, or gravel unless and	d until the construction or excavation operation is
abandoned and the resulting body of water meets the d	definition of waters of the United States found at 33 CFR
328.3(a).	1
[] Isolated, intrastate wetland with no nexus to interstate	commerce.
[] Prior converted eropland, as determined by the Natura	al Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated on	dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETER	· · · · · · · · · · · · · · · · · · ·
[X] Maps, plans, plots or plat submitted by or on behalf of	
[X] Data shects prepared/submitted by or on behalf of the	
	uly 8, 2005, revised October 7, 2005, and last revised December 2005, prepared
by C.T. Male, as discussed above.	
[] This office does not concur with the delineation report, of	dated , prepared by (company):
Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Sur	vey:
National wetlands inventory maps:	
State/Local wetland inventory maps:	

[] FEMA/FIRM maps (Map Name & Date):

[] 100-year Floodplain Elevation is: (NGVD)	,
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[] Site visit/determination conducted on:	
[] Applieable/supporting case law:	
[] Other information (please specify):	
Watlands are identified and delineated using the methods and exitoric established in the Come Watland Delineation Man	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

NAN-2005-880-EET

PROJECT	LOCA	TION	INFOR	MATION:
---------	------	------	-------	---------

State:

New York

County: Richmond

[]

Center coordinates of site (latitude/longitude): lat: 40-38-12.58 lon: 74-4-5.98 Approximate size of area (parcel) reviewed, including uplands: 0.8 acres.

Name of nearest waterway: New York Harbor Name of watershed: New York Harbor

JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

[X] Date: September 8, 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

X] Pre	liminary JD - B	ased on	available informat	non, [] <i>there appear</i>	to be (0τ) [] there a	ippear to be no	"waters of the
	United States	" and/or	"navigable waters	of the United States'	on the project site.	A preliminary.	JD is πot appealable
	(Reference 33	CFR pa	ırt 331).				

- [] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.5 acre
 - [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 - Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate eommerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Decanting of excess water to New York Harbor, a navigable wates

Lateral Extent of Jurisdiction: (Reference: 33 CFR part [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	x 328 and 329) X] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] v	vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland d	lelineation map and/or in a delineation report prepared by
Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part [] Headquarters declined to approve jurisdiction on the basi [] The Corps has made a case-specific determination that the United States: [] Waste treatment systems, including treatment ponds of [] Artificially irrigated areas, which would revert to uplar [] Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purice growing. [] Artificial reflecting or swimming pools or other small of by excavating and/or diking dry land to retain water for [] Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the decays. [] Isolated, intrastate wetland with no nexus to interstate of [] Prior converted cropland, as determined by the Natural [] Non-tidal drainage or irrigation ditches excavated on decay and the converted cropland in the prior converted cropland is determined by the Natural [] Non-tidal drainage or irrigation ditches excavated on decay and the converted cropland is determined by the Natural [] Other (explain):	is of 33 CFR part 328.3(a)(3). Ite following waters present on the site are not Waters of a lagoons, pursuant to 33 CFR part 328.3. Indicate it in irrigation ceased. Indicate it is irrigation ceased. Indicate it is irrigation ceased. Indicate it is irrigation, settling basins, or irrigation, settling basins, or irrigation is irrigation, settling basins, or irrigation is it is irrigation in its irrigation is it is irrigation in its irrigation of waters of the United States found at 33 CFR irrigation. In Resources Conservation Service. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERM X Maps, plans, plots or plat submitted by or on behalf of the [] Data sheets prepared/submitted by or on behalf of the app [] This office concurs with the delineation report, dated [] This office does not concur with the delineation report, [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey 7.5 Minute Topographic maps: [] U.S. Geological Survey 7.5 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. Anatural Resources Conservation Service Soil Surve [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law:	applicant. slicant. , prepared by (company): dated , prepared by (company):

[] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: 2006-00128 FILE NUMBER: PROJECT LOCATION INFORMATION: New Jersey State: Hudson County: Center coordinates of site (latitude/longitude): lat:40-47-19 lon:74-2-19 Approximate size of area (parcel) reviewed, including uplands: 95 acres. Name of nearest waterway: Hackensack River Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Desktop determination Completed: []Date: Site visit(s) [X]Date(s): April 25, 2006 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Cheek all that apply: [X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 85.7 acres. [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: 85.7 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 1 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the

Basis of Jurisdiction, document the rationale used to make adjacency determination: The tidal wetlands on site are associated with

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
[] Ordinary High Water Mark indicated by:
[], High Tide Line indicated by:

Cromakill Creek, a tidal tributary to the Hackensack River.

[] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil	[] oil or seum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages
[] destruction of terrestrial vegetation [] shelving [] other:	[] tidal gages [] other:
[X] Mean High Water Mark indicated by: [X] survey to available datum; [] physical marking.	ngs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we	tland delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	SD 229/
[] Unable to confirm the presence of waters in 33 CF [] Headquarters declined to approve jurisdiction on the	
	that the following waters present on the site are not Waters of
[] Waste treatment systems, including treatment p [] Artificially irrigated areas, which would revert	
[] Artificial lakes and ponds created by excavating	
retain water and which are used exclusively for rice growing.	such purposes as stock watering, irrigation, settling basins, or
Artificial reflecting or swimming pools or other	r small ornamental hodies of water created
by excavating and/or diking dry land to retain v	
the purpose of obtaining fill, sand, or gravel un	idental to construction activity and pits excavated in dry land for less and until the construction or exeavation operation is to the definition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to inte	erstate commerce. Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate [] Other (explain):	ed on dry land. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETER	
[X] Maps, plans, plots or plat submitted by or on beha	
[X] Data sheets prepared/submitted by or on behalf of	the applicant. , dated November 28, 2005 (with revised map dated 7/10/06), prepared by
(company): Casino Engineering	dated November 28, 2005 (with revised map dated 7/10/00), prepared of
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	noun, W/o shouldon
[X] U.S. Geological Survey 7.5 Minute Topographic n [] U.S. Geological Survey 7.5 Minute Historic quadra	
[] U.S. Geological Survey 15 Minute Historic quadrar	
[] USDA Natural Resources Conservation Service Soil	
[] National wetlands inventory maps:	
[] State/Loeal wetland inventory maps:	1.
[] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on:April 25, 200)6
[] Applicable/supporting case law: [] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and eriteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:	2006-00129		
PROJECT LOCAT	TION INFORMATION:		
State:	New Jersey		
County:	Hudson		
	of site (latitude/longitude):		
	f area (parcel) reviewed, ir	_	plands: 40.57 acres.
Name of nearest wa	aterway: Hackensack River	г	
Name of watershed	: HACKENSACK R	I _. VER	
JURISDICTIONAL	DETERMINATION		
Completed:	Desktop determination	[]	Date:
	Site visit(s)	[X]	Date(s): April 25, 2006
Jurisdictional De	termination (JD):		
United S			[] there appear to be (or) [] there appear to be no "waters of the he United States" on the project site. A preliminary JD is not appealable
[X] Approved JD - Check all that a		ealable a	ction (Reference 33 CFR part 331).
	navigable waters of the Unit eviewed arca. Approximate		" (as defined by 33 CFR part 329 and associated guidance) urisdictional area: .
	waters of the United States a. Approximate size of jur		ned by 33 CFR part 328 and associated guidance) within the al area: 3.11 acres.
			ters or wetlands" within the reviewed area. Ty Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDIC	CTIONAL DETERMINAT	ION:	
A. Waters defined	under 33 CFR part 329 a	s "naviga	able waters of the United States":
[X] The presence of	f waters that are subject to	the ebb a	nd flow of the tide and/or are presently used, or have been used
in the past, or m	ay be susceptible for use to	transpor	t interstate or foreign commerce.
			aters of the United States":
			d, or were used in the past, or may be susceptible to use in
			rs which are subject to the ebb and flow of the tide.
	of interstate waters include		
			kes, rivers, streams (including intermittent streams), mudflats,
			meadows, playa lakes, or natural ponds, the use, degradation or
			erce including any such waters (check all that apply):
			or forcign travelers for recreational or other purposes.
			I be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce.
	s of waters otherwise define		
	of a tributary to a water in		
[] (6) The presence			(1) (1) 400101
		ther water	s of the US, except for those wetlands adjacent to other wetlands.
[-1] (.) 1110 prosoned	and the second second second second		week to more mentalide adjuvent to onier mentalide.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The tidal wetlands on site arc associated with Cromakill Creek, a tidal tributary to the Hackensack River.

Lateral Extent of Jurisdiction: (Reference: 33	CFR parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:

[] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil	[] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/charaeteristics
[] destruction of terrestrial vegetation [] shelving	[] tidal gages [] other:
[] other:	[] oliver
[X] Mean High Water Mark indicated by: [X] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area eonsists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR	
[] Headquarters declined to approve jurisdiction on the	
the United States:	at the following waters present on the site are not Waters of
[] Waste treatment systems, including treatment pon	ids or laggons, pursuant to 33 CER part 328 3
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating a	
	uch purposes as stock watering, irrigation, settling basins, or
rice growing.	7 7
[] Artificial reflecting or swimming pools or other s	mall ornamental bodies of water created
by excavating and/or diking dry land to retain wa	
	ental to construction activity and pits excavated in dry land for
	s and until the construction or excavation operation is
328.3(a).	the definition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to inters	state commerce
	stural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated [] Other (explain):	on dry land. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERMI	NATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf	•••
[X] Data sheets prepared/submitted by or on behalf of the	
] This office concurs with the delineation report, dated	June 14, 2000 (with revised map dated 4/27/06) , prepared by
(company): Casino Engineering	
[] This office does not concur with the delineation rej	port, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps	w.W.ashawkan
[] U.S. Geological Survey 7.5 Minute Historic quadrangle	
[] U.S. Geological Survey 15 Minute Historic quadrangle	
[] USDA Natural Resources Conservation Service Soil Su	
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps: [X] Site visit/determination conducted on:April 25, 2006	
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and eriteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2006-00399 PROJECT LOCATION INFORMATION: New York State: Dutchess County: Center coordinates of site (latitude/longitude): lat:41-43-0.9840 lon:73-56-22.9920 Approximate size of area (parcel) reviewed, including uplands: 8 acres. Name of nearest waterway: Hudson River HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed: JURISDICTIONAL DETERMINATION Desktop determination Completed: Date: Datc(s): Site visit(s) [] Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or

[] (4) Impoundments of waters otherwise defined as waters of the US.
[] (5) The presence of a tributary to a water identified in (1) - (4) above.

[X] (6) The presence of territorial seas.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is along the Hudson River, which is tidal

at the project location.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other: [] Ordinary High Water Mark indicated by: [X] High Tide Line indicated by: [] oil or scum line along shore object [X] physical markings/eharacteristics [] tidal gages [] other:	
	[X] Mean High Water Mark indicated by: [] survey to available datum; [X] physical markings; [] vegetation lines/changes in veget	ation types.
	[] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation	on report prepared by:
	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [] The Corps has made a case-specific determination that the following waters present on the sthe United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits exthe purpose of obtaining fill, sand, or gravel unless and until the construction or excavation abandoned and the resulting body of water meets the definition of waters of the United Scates. [] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [] Other (explain):	on, settling basins, or d ceavated in dry land for on operation is states found at 33 CFR
DATA	ATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [] Data sheets prepared/submitted by or on behalf of the applicant. [] This office concurs with the delineation report, dated, prepared by (company): [] This office does not concur with the delineation report, dated, prepared by (compangue): [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey 7.5 Minute Topographic maps: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. Asturial Resources Conservation Service Soil Survey: [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):	, iy): ,

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) NAN-2006-3120-WCA FILE NUMBER: PROJECT LOCATION INFORMATION: State: New Jersey County: Hudson Center coordinates of site (latitude/longitude): lat:40-47-15 lon:74-2-27 Approximate size of area (parcel) reviewed, including uplands: 0.78 acres. Name of nearest waterway: Cromakill Creek Name of watershed: Hackensack River JURISDICTIONAL DETERMINATION Desktop determination Completed: 17 [] Date(s): April 25, 2006 Site visit(s) Jurisdictional Determination (JD): [] Proliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). IX I Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wellands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l)

[] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	of Jurisdiction: (Reference: 33 CFR pa	
	h Water Mark indicated by:	[] High Tide Line indicated by:
	al line impressed on the bank	[] oil or scum line along shore objects
	e of litter and debris	[] fine shell or debris deposits (foreshore)
	the character of soil	[] physical markings/characteristics
	of terrestrial vegetation	[] tidal gages
[] shelving		[] other:
[] other:		
	ater Mark indicated by:	
[] survey to av	vailable datum; [] physical markings; [vegetation lines/changes in vegetation types.
[] Wetland houn	daries, as shown on the attached wetland	delincation map and/or in a delineation report prepared by:
		, , , , , , , , , , , , , , , , , , , ,
	sserting Jurisdiction:	
	d area consists entirely of uplands.	•
	firm the presence of waters in 33 CFR pa	
	declined to approve jurisdiction on the ba	
		the following waters present on the site are not Waters of
the United Stat		
	-	or lagoons, pursuant to 33 CFR part 328.3.
	irrigated areas, which would revert to up	-
	kes and ponds created by excavating and	
		purposes as stock watering, irrigation, settling basins, or
rice growing		•
	flecting or swimming pools or other smal	
	ig and/or diking dry land to retain water f	
		al to construction activity and pits excavated in dry land for
		nd until the construction or excavation operation is
	nd the resulting body of water meets the	definition of waters of the United States found at 33 CFR
328.3(a).		
	rastate wetland with no nexus to interstat	
		al Resources Conservation Service. Explain rationale:
[] Non-tidal dr	ainage or irrigation ditches excavated on	dry land. Explain rationale:
[] Other (expla	ıin):	
DATA REVIEW	ED FOR JURISDICTIONAL DETER	MINATION (mark all that apply)
	plots or plat submitted by or on bchalf o	*****
	prepared/submitted by or on behalf of the	
		ed June 29, 2006, prepared by (company): Cascino Engineering
	loes not concur with the delineation repo	
	epared by the Corps.	, propared by (company).
[] Corps' navigable	-	,
	ll Survey Hydrologic Atlas:	·
	eal Survey 7.5 Minute Topographic map:	s: Weehawken
	Il Survey 7.5 Minute Historic quadrangle	
	d Survey 15 Minute Historic quadrangles	
	Resources Conservation Service Soil Su	
	ids inventory maps:	ivey.
	tland inventory maps:	
	naps (Map Name & Date):	
[] 100-year Flood		
	aphs (Name & Date):	
[] Other photogra		
	tification Wetland maps:	
[] / ra rancea racin	mionion monuno maps.	

[X] Site visit/determination conducted on: April 25, 2006		
[] Applicable/supporting case law:	:-	
[] Other information (please specify):		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2006-3214 PROJECT LOCATION INFORMATION: State: New York Jefferson County: Center coordinates of site (latitude/longitude): lat:44.053 lon: -75.769 Approximate size of area (pareel) reviewed, including uplands: 39.6 acres. Name of nearest waterway: unnamed tributary to Remington Pond Name of watershed: Indian River JURISDICTIONAL DETERMINATION Completed: Desktop determination []Date: Site visit(s) [X]Datc(s): 21 Sept 06, 17 Nov 06 Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide, [] (2) The presence of interstate waters including interstate wetlands. (1) (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for reercational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[X] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The wetlands on the site abut, and are adjacent to, either an uunamed tributary to Remington Pond, or the Pond itself. Remington Pond is an impoundment in Pleasant Creek, which is a tributary to West Creek. West Creek is a tributary to the Indian River that flows via Black Lake and the Oswegatchie River to the St. Lawrence River, which is a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR p	earts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or seum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristies
[X] destruction of terrestrial vegetation	[] tidal gages
shelving	[] other:
[X] other: a defined bed and banks	[]
[] Mean High Water Mark iudicated by: [] survey to available datum; [] physical markings;	[] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland GIS component of the ITAM Program and	and delineation map and/or in a delineation report prepared by: Environmental Division, Fort Drum, NY
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Uuable to confirm the presence of waters in 33 CFR p	part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the b	
	t the following waters present on the site are not Waters of
the United States:	•
[] Waste treatment systems, including treatment ponds	s or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to up	= '-
[] Artificial lakes and ponds ereated by excavating and	_
· · · · · · · · · · · · · · · · · · ·	purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other sma	all ornamental bodies of water ereated
by excavating and/or diking dry land to retain water	
	tal to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unless a	
	e definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to inters	state commerce.
	ural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated or	-
[] Other (explain):	Tary tard. Explain taronate.
DATA REVIEWED FOR JURISDICTIONAL DETE	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
[X] Maps, plans, plots or plat submitted by or on behalf of	••
[X] Data sheets prepared/submitted by or on behalf of the	• •
[] This office concurs with the delineation report, dated	
[X] This office does not concur with the delineation Drum, NY	report, dated 12 Jan 07, prepared by (company): Environmental Division, For
Data shects prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologie Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic map	28:
[] U.S. Geological Survey 7.5 Minute Historic quadrangle	
[] U.S. Geological Survey 15 Minute Historic quadrangle	
	Soil Survey: as mapped by the GIS component of the ITAM Program and
Environmental Division, Fort Drum, NY	son sarrey. as mapped by the Old component of the 117th Hogiant and
	e GIS component of the ITAM Program and Environmental Division, Fort Drum
are start	2 3.5 composition of the FIT to Grant and Entrionmental Division, 1 of Dinni

[] State/Local wctland inventory maps:

[] FEMA/FIRM maps (Map Name & Date):
[] 100-year Floodplain Elevation is: (NGVD)
[] Aerial Photographs (Name & Date):
[X] Other photographs (Date): 21 Sept 06, 17 Nov 06
Advanced Identification Wetland maps:
[X] Site visit/determination conducted on: 21 Sept 06, 17 Nov 06
[] Applicable/supporting ease law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

NAN-2006-3373-EBU

FILE NUMBER:	NAN-2000-3373	-EBU	
PROJECT LOCAT	ION INFORMATION:		
State:	New York		
County:	Bronx		
Center coordinates	s of site (latitude/longitude):	at: 40-47-0	08 lon:73-49-57
Approximate size	of area (parcel) reviewed, incl	uding upla	ands: 0.00025 acres.
Name of nearest w	aterway: Silvermine River		
Name of watershed	d: Hudson River		
JURISDICTIONAL	DETERMINATION		
Completed:	Desktop determination	[X]	Date: October 24, 2006
	Site visit(s)	[]	Date(s):
Jurisdictional Determ	nination (JD):		
[] Preliminary JD - B	ased on available information	, [] there a	appear to be (or) [] there appear to be no "waters of the
			ed States" on the project site. A preliminary JD is not appealable
(Reference 3	33 CFR part 331).		
[X] Annroyed ID - A	n approved JD is an appealab	le action (I	Reference 33 CFR part 331)
Check all that apply			Notice 35 of N part 55 1).
			ined by 33 CFR part 329 and associated guidance)
within the review	red area. Approximate size of	jurisdictio	nal area: .
[X] There are "wat	ers of the United States" (as d	lefined by 3	33 CFR part 328 and associated guidanee) within the
	pproximate size of jurisdictio		
	_		wetlands" within the reviewed area.
[] Decision suppor	rted by SWANCC/Migratory	Bird Rule	Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDIC	CTIONAL DETERMINAT	ION:	
A. Waters defined un	der 33 CFR part 329 as "na	vigable w	aters of the United States":
[] The presence of war	ters that are subject to the ebb	and flow	of the tide and/or are presently used, or have been used
in the past, or may b	e suseeptible for use to transp	ort intersta	ate or foreign eommercc.
R Waters defined un	der 33 CFR part 328.3(a) as	thurstone c	of the United States!!
	_		e used in the past, or may be susceptible to use in
			are subject to the ebb and flow of the tide.
-	interstate waters including in		. -
	_		ers, streams (including intermittent streams), mudflats,
			vs, playa lakcs, or natural ponds, the use, degradation or
			uding any such waters (check all that apply):
			ers for recreational or other purposes.
[] (ii) from which fish	or shellfish are or could be ta	ken and so	ld in interstate or foreign commerce.
•			dustries in interstate commerce.
[] (4) Impoundments of	of waters otherwise defined as	waters of	the US.
	of a tributary to a water identif	fied in (1) -	(4) above.
[] (6) The presence of			
[] (7) The presence of	wetlands adjacent2 to other w	aters of the	US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any hoxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The project occurs in the East River, subject to the ebb and flow of the tide.

Lateral Extent of Jurisdiction: (Reference: 33 CFR par	ts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/eharaeteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; []	vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland of	delineation map and/or in a delineation report prepared by
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR par	t 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the bas	is of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that the	ne following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment ponds o	- ' '
[] Artificially irrigated areas, which would revert to upla	-
[] Artificial lakes and ponds created by excavating and/o	
retain water and which are used exclusively for such pr	urposes as stock watering, irrigation, settling basins, or
rice growing.	amamantal hadian of water arouted
 Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for 	
[] Water-filled depressions created in dry land incidental	· ·
the purpose of obtaining fill, sand, or gravel unless and	
	efinition of waters of the United States found at 33 CFR
328.3(a).	elimitor of waters of the Office States found at 35 CTR
[] Isolated, intrastate wetland with no nexus to interstate	commerce.
[] Prior converted cropland, as determined by the Natura	
[] Non-tidal drainage or irrigation ditches excavated on d	-
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	
[X] Maps, plans, plots or plat submitted by or on behalf of	
[] Data sheets prepared/submitted by or on behalf of the app	
[] This office concurs with the delineation report, dated	, prepared by (company):
[] This office does not concur with the delineation report.	, dated , prepared by (company):
[] Data sheets prepared by the Corps. [] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Surv	/cv:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[] Site visit/determination conducted on:	

3

[] Applicable/supporting case law:
[] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: NAN-2007-45-ESP

PROJECT LO	OCATION INFOR	MATION:
------------	---------------	---------

State: New York
County: Bronx

Center eoordinates of site (latitude/longitude): lat:40-47-41 lon:73-50-34 Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Westchester Creek

Name of watershed: East River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [X] Date: 2/24/2007

Site visit(s) [] Date(s):

Jurisdictional Determination (JD):

[X] Prelir	minary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10 acres.
 - [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
 - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 - [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- [X] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [X] (iii) which are or could be used for industrial purposes by industries in interstate eommerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- (1) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdictiou, document

the rationale used to make adjacency determination: <u>Westchester Creek</u> is tributary to the East River, which is tidal and navigable; the <u>East River is tributary to New York Harbor which is also tidal and navigable.</u>

Lateral Extent of Jurisdiction: (Reference: 33 CFR part	,
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[X] other: Applicant's photos and drawings
[] other:	
[X] Mean High Water Mark indicated by:	
[X] survey to available datum; [] physical markings; []	vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland of	delineation map and/or in a delineation report prepared by:
B. F. N. A. d. T. I. N. d.	
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	4200(-)(1, 2, 4.7)
[] Unable to confirm the presence of waters in 33 CFR part	
[] Headquarters declined to approve jurisdiction on the bas	
[] The Corps has made a case-specific determination that the	ie following waters present on the site are not waters of
the United States:	- logge of the 22 CED and 220 2
[] Waste treatment systems, including treatment ponds of	•
[] Artificially irrigated areas, which would revert to uplan	_
[] Artificial lakes and ponds created by excavating and/o	-
retain water and which arc used exclusively for such pu	irposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other small	
by excavating and/or diking dry land to retain water for	
[] Water-filled depressions created in dry land incidental	
the purpose of obtaining fill, sand, or gravel unless and	
328.3(a).	efinition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to interstate	commozoa
[] Prior converted cropland, as determined by the Natural	
[] Non-tidal drainage or irrigation ditches exeavated on d	<u>-</u>
[] Other (explain):	ry fand. Explain fanonaie.
[] Onle (explain).	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf of the	hc applicant.
[] Data sheets prepared/submitted by or on behalf of the app	olicant.
[] This office concurs with the delineation report, dated	, prepared by (company):
[] This office does not concur with the delineation report,	dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Surv	rcy:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date): <u>Undated</u>	
[] Advanced Identification Wetland maps:	

3

[] Site visit/determination conducted on:	
[] Applicable/supporting case law:	
[] Other information (please specify):	
¹ Wetlands are identified and delineated using the methods and cr	iteria established in the Corps Wetland Delineation Manual (87 Manual)
(i.e., occurrence of hydrophytic vegetation, hydric soils and wetlan	d hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2007-162-WDE PROJECT LOCATION INFORMATION: State: New York County: Rensselaer Center eoordinates of site (latitude/longitude): lat: 42.6883875 lon: -73.4886958 Approximate size of area (parcel) reviewed, including uplands: 0.50 acre. Name of nearest waterway: Poesten Kill Name of watershed: Hudson River JURISDICTIONAL DETERMINATION [X]Date: May 17, 2007 Completed: Desktop determination Site visit(s) Γì Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, slonghs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (eheck all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The Poesten Kill is in the subject area. Further downstream, the Poesten Kill is a navigable waterway.

[X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [X] changes in the character of soil [X] destruction of terrestrial vegetation [] shelving [] other:	[] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mcan High Water Mark indicated by: [] survey to available datum; [] physical markings;	[] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by
the United States: [] Waste treatment systems, including treatment port [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating a retain water and which are used exclusively for surice growing. [] Artificial reflecting or swimming pools or other suby excavating and/or diking dry land to retain water and water filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets to 328.3(a). [] Isolated, intrastate wetland with no nexus to interest.	hat the following waters present on the site are not Waters of ads or lagoons, pursuant to 33 CFR part 328.3, upland if the irrigation ceased, and/or diking dry land to collect and ch purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created er for primarily aesthetic reasons. The ental to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR estate commerce. State commerce. State Resources Conservation Service. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DET [X] Maps, plans, plots or plat submitted by or on behalf [] Data sheets prepared/submitted by or on behalf of th [] This office concurs with the delineation report, dat [] This office does not coneur with the delineation re [] Data sheets prepared by the Corps. [X] Corps' navigable waters' studies: Listing for Poeste [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic m [] U.S. Geological Survey 7.5 Minute Historic quadran [] U.S. Geological Survey 15 Minute Historic quadran [] U.S. Geological Survey 15 Minute Historic quadran [] USDA Natural Resources Conservation Service Soil [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [X] Other photographs (Date): submitted by applicant of advanced Identification Wetland maps:	f of the applicant. e applicant. ted , prepared by (company): port, dated , prepared by (company): n Kill haps: Berlin Quadrangle gles: gles: Survey:

3

[] Site visit/determination conducted on:
[] Applicable/supporting ease law:
[] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE	E: NEW YORK DIS	STRICT (CENAN)
FILE NUMBER:	NAN-2007-166-1	ESP	
PROJECT LOCAT	ION INFORMATION:		
State:	New York		
County:	Richmond		
Center coordinates of	of site (latitude/longitude): la	t: 40-35-3	4 lon: 74 -11-30
Approximate size of	area (parcel) revicwed, inclu	ding upla	nds: 720 acres.
Name of nearest wat	terway: Arthur Kill		
Name of watershed:	Arthur Kill		
JURISDICTIONAL	DETERMINATION		
Completed:	Desktop determination	[]	Date:
	Site visit(s)	[X]	Date: November 15, 2005
Jurisdictional Deter	mination (JD):		
[] Preliminary JD - B	Based on available information	n, [] <i>there</i>	e appear to be (от) [] there appear to be no "waters of
United Stat	es" and/or "navigable waters	of the Un	ited States" on the project site. A preliminary JD is not
appealable	-		
(Reference	33 CFR part 331).		
[X] Approved JD - A Check all that apply		le action ((Reference 33 CFR part 331).
	rigable waters of the United S wed area. Approximate size o	•	defined by 33 CFR part 329 and associated guidance) ional area: .

- [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
- [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

[X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

reviewed area. Approximate size of jurisdictional area: 24 acres.

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used

in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation

٥r destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The jurisdictional wetlands are tributary via Neck Creek, Sleight Creek, and Saw Mill Creek to the Arthur Kill Which is navigable. Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [X] Ordinary High Water Mark indicated by: [X] High Tide Line indicated by: [] oil or scum line along shore objects [] elear, natural line impressed on the bank [X] the presence of litter and debris [] fine shell or debris deposits (foreshore) [X] changes in the character of soil [X] physical markings/characteristics [X] destruction of terrestrial vegetation [X] tidal gages [] shelving [] other: [] other: [X] Mean High Water Mark indicated by: [X] survey to available datum; [X] physical markings; [X] vegetation lines/changes in vegetation types. [] Wetland boundaries, as shown on the attached wetland delineation map prepared by the New York State Department of Transportation and a delineation report prepared by Earth Tech.: Basis For Not Asserting Jurisdiction: [] The reviewed area eonsists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [] The Corps has made a case-specific determination that the following waters present on the site are not Waters of

- the United States:
 - [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - [] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
- [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
- [X] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for

the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR

328.3(a).			
[X] Isolated, intrastate wetland with no nexus to interstate commerce.			
[] Prior converted eropland, as determined by the Natural Resources Conservation Service. Explain rationale:			
[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:			
[] Other (explain):			
DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):			
[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.			
[X] Data sheets prepared/submitted by or on behalf of the applicant.			
[X] This office concurs with the delineation report, dated October 2006, prepared by Earth Tech.			
[] This office does not concur with the delineation report, dated , prepared by (company):			
[] Data sheets prepared by the Corps.			
[] Corps' navigable waters' studies:			
[] U.S. Geological Survey Hydrologic Atlas:			
[] U.S. Geological Survey 7.5 Minute Topographic maps:			
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:			
[] U.S. Geological Survey 15 Minute Historic quadrangles:			
[] USDA Natural Resources Conservation Service Soil Survey:			
[] National wetlands inventory maps:			
[] State/Local wetland inventory maps:			
[] FEMA/FIRM maps (Map Name & Date):			
[] 100-year Floodplain Elevation is: (NGVD)			
[X] Aerial Photographs (Name & Date): Google Earth (undated)			
[X] Other photographs (Date): <u>Undated</u>			
[] Advanced Identification Wetland maps:			
] Site visit/determination conducted on:			
] Applicable/supporting case law:			
] Other information (please specify):			

¹Wetlands are identified and delincated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2007-188-WDA PROJECT LOCATION INFORMATION: State: New York County: Delaware Center eoordinates of site (latitude/longitude): lat:42-10-13 lon:75-08-17 Approximate size of area (parcel) reviewed, including uplands; 2 acres. Name of nearest waterway: West Branch, Delaware River Name of watershed: West Branch River JURISDICTIONAL DETERMINATION Completed: [X]Desktop determination Date: 14 May 2007 Site visit(s) []Datc(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: . [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [X] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The West Branch of the Delaware River supports a world class fishery which draws people from other states and countries and therefore supports interstate and foreign commerce.

Lateral Extent of Jurisdiction: (Reference: 33 CFR pa	rts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; []	vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR pa	at 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the ba	
[] The Corps has made a case-specific determination that	
the United States:	
[] Waste treatment systems, including treatment ponds	or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to uple	and if the irrigation ceased.
[] Artificial lakes and ponds created by excavating and/	or diking dry land to eollect and
retain water and which are used exclusively for such price growing.	purposes as stock watering, irrigation, settling basins, or
[] Artificial reflecting or swimming pools or other small	l ornamental bodies of water created
by excavating and/or diking dry land to retain water for	or primarily aesthetic reasons.
[] Water-filled depressions created in dry land incidenta	al to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unless an	d until the construction or excavation operation is
_ :	definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate	
[] Prior converted eropland, as determined by the Natura	-
[] Non-tidal drainage or irrigation ditches exeavated on	dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETER	tMINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf of	the applicant.
[] Data sheets prepared/submitted by or on behalf of the ap	
[] This office concurs with the delineation report, dated	
[] This office does not concur with the delineation report	1, dated , prepared by (company):
Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Sur	vey:
[] National wetlands inventory maps: [] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[] Site visit/determination conducted on:	

[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2007-189-WDA PROJECT LOCATION INFORMATION: State: New York County: Delaware Center coordinates of site (latitude/longitude): lat:42-10-13 lon:75-08-17 Approximate size of area (parcel) reviewed, including uplands: 2 acres. Name of nearest waterway: West Branch, Delaware River West Branch River Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [X] Date: 14 May 2007 Site visit(s) []Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Inrisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce, B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands^t. [X] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or eould be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or B(3) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(3) is used as the Basis of Jurisdiction, document

[] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

the rationale used to make adjacency determination: The West Branch of the Delaware River supports a world class fishery which draws people from other states and countries and therefore supports interstate and foreign commerce.

Lateral Extent of Jurisdiction: (Reference: 33 CFR part	ts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[] other:
[] other;	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; []	vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland d	delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the bas	is of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that the	ne following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment ponds or	r lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to uplan	nd if the irrigation ceased.
[] Artificial lakes and ponds created by excavating and/or	r diking dry land to collect and
retain water and which are used exclusively for such pu	irposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other small	
by exeavating and/or diking dry land to retain water for	
[] Water-filled depressions created in dry land incidental	
the purpose of obtaining fill, sand, or gravel unless and	
	efinition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate of	
[] Prior converted cropland, as determined by the Natural	
[] Non-tidal drainage or irrigation ditches excavated on d	ry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply)
[X] Maps, plans, plots or plat submitted by or on behalf of the	
[] Data sheets prepared/submitted by or on behalf of the app	
[] This office concurs with the delineation report, dated	, prepared by (company):
[] This office does not concur with the delineation report,	
[] Data sheets prepared by the Corps.	tailed , propiled by (company).
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Surv	vev:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[] Site visit/determination conducted on:	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, eontiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river borms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE FILE NUMBER:	: NEW YORK D NAN-2007-190		CENAN)
PROJECT LOCATI	ON INFORMATION:		
State:	New York		
County:	Rensselaer		
Center coordinates	of site (latitude/longitude):	lat: 42.5599	9806 lon: -73.745207
Approximate size o	f area (parcel) reviewed, inc	luding upla	nds: 0.5 acre.
	terway: Vierda Kill	٠.	
Name of watershed	: Hudson River		
JURISDICTIONAL	DETERMINATION		
Completed:	Desktop determination	[X]	Date: May 14, 2007
•	Site visit(s)	[]	Date(s):
Jurisdictional Determ	ination (JD):		
United States			re appear to be (or) [] there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable
[] Approved JD - An a Check all that apply:	pproved JD is an appealable	e action (Re	ference 33 CFR part 331).
	able waters of the United Stated area. Approximate size o	•	ined by 33 CFR part 329 and associated guidance) nal area:
	of the United States" (as de proximate size of jurisdiction		CFR part 328 and associated guidance) within the .
[] There are "isolate	d, non-navigable, intra-stat	e waters or	wetlands" within the reviewed area.
[] Decision support	ted by SWANCC/Migratory	Bird Rule I	Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDIC	TIONAL DETERMINAT	TION:	
A. Waters defined und	ler 33 CFR part 329 as "n	avigable wa	nters of the United States":
	aters that are subject to the e e susceptible for use to trans		of the tide and/or are presently used, or have been used te or foreign commerce.
B. Waters defined und	ler 33 CFR part 328.3(a) a	s "waters o	f the United States":
(1) The presence of v	vaters, which are currently t	ised, or wer	e used in the past, or may be susceptible to use in
interstate or foreign	n commerce, including all w	aters which	are subject to the cbb and flow of the tide.
(2) The presence of i	nterstate waters including in	iterstate we t	lands ¹ .
] (3) The presence of o	other waters such as intrastat	te lakes, rive	ers, streams (including intermittent streams), mudflats,
sandflats, wetlands	, sloughs, prairie potholes, v	wet meadow	s, playa lakes, or natural ponds, the use, degradation or
destruction of which	ch could affect interstate cor	nmeree incli	uding any such waters (check all that apply):
] (i) which are or could	I be used by interstate or for	eign travele	rs for recreational or other purposes.
] (ii) from which fish o	or shellfish are or could be to	aken and sol	d in interstate or foreign commerce.
] (iii) which are or cou	ld be used for industrial pur	poses by inc	dustries in interstate commerce.
] (4) Impoundments of	waters otherwise defined as	s waters of t	he US.
] (5) The presence of a	tributary to a water identific	ed in (1) - (4	1) above.
] (6) The presence of to			
X] (7) The presence of	wetlands adjacent ² to other	waters of th	ne US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The Vierda Kill is subject to the ebb and flow of the tide at this location and is a navigable waterway. The wetlands are directly adjacent to the Vicrda Kill, portion of which are below the mean high water elevation of the waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and dehris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or dehris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[X] Mean High Water Mark indicated by: [] survey to available datum; [X] physical markings; [X]] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland of	lelineation map prepared by: NYS Department of Transportation
Basis For Not Asserting Jurisdiction: [] The reviewed area eonsists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 3 [] Headquarters declined to approve jurisdiction on the basis [] The Corps has made a case-specific determination that the the United States: [] Waste treatment systems, including treatment ponds or 1 [] Artificially irrigated areas, which would revert to upland [] Artificial lakes and ponds created by excavating and/or cretain water and which are used exclusively for such purrice growing. [] Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for p [] Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and u abandoned and the resulting hody of water meets the defi 328.3(a). [] Isolated, intrastate wetland with no nexus to interstate co [] Prior converted cropland, as determined by the Natural F [] Non-tidal drainage or irrigation ditches excavated on dry [] Other (explain):	of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of agoons, pursuant to 33 CFR part 328.3. If the irrigation eeased. diking dry land to collect and boses as stock watering, irrigation, settling basins, or mamental bodies of water created brimarily aesthetic reasons. It construction activity and pits excavated in dry land for intil the construction or excavation operation is inition of waters of the United States found at 33 CFR mmerce. Resources Conservation Service. Explain rationale:
ATA REVIEWED FOR JURISDICTIONAL DETERMIX] Maps, plans, plots or plat submitted by or on hehalf of the application of the special plate of the application of the special plate of the application of the a	e applicant. cant.

[] Site visit/determination conducted on:

(i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

] Applicable/supporting case law:	
] Other information (please specify):	
Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual	al)

²The term "adjacent" means bordering, contiguous, or neighboring. Wctlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE FILE NUMBER:	NEW YORK D NAN-2007-426	•	(CENAN)
State: County: Center coordinates Approximate size c	TION INFORMATION: New Jersey Hudson of site (latitude/longitude): of area (parcel) reviewed, includerway: Hackensack River : Hackensack River		
JURISDICTIONAL Completed:	Determination Desktop determination Site visit(s)	[X]	Date: Date(s): October 23, 2006
Jurisdictional Deter	mination (JD):		
United Star			appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable
[X] Approved JD - A Check all that apply		ble aetion (Reference 33 CFR part 331).
	gable waters of the United State of the United		fined by 33 CFR part 329 and associated guidance) onal area:
	rs of the United States" (as de approximate size of jurisdiction	-	3 CFR part 328 and associated guidance) within the
	_		or wetlands" within the reviewed area. e Information Sheet for Determination of No Jurisdiction.
A. Waters defined un [] The presence of water	CTIONAL DETERMINAT der 33 CFR part 329 as "na ters that are subject to the ebb e susceptible for use to trans	wigable wa	of the tide and/or are presently used, or have been used
[](I) The presence of interstate or foreig [](2) The presence of [](3) The presence of sandflats, wetlands destruction of whit [](i) which are or coul [](ii) from which fish of	in commerce, including all winterstate waters including in other waters such as intrastates, sloughs, prairie potholes, with could affect interstate combined be used by interstate or forcer shellfish are or could be ta	sed, or wer aters which terstate wet e lakes, rive vet meadow merce inch cign travele ken and sol	e used in the past, or may be susceptible to use in are subject to the ebb and flow of the tide.

 [] (4) Impoundments of waters otherwise defined as water [] (5) The presence of a tributary to a water identified in ([] (6) The presence of territorial seas. 	
	of the US, except for those wetlands adjacent to other wetlands.
or wetland is not itself a navigable water of the United Sta B(1) or B(3) is used as the Basis of Jurisdiction, document site conditions, including why the waterbody is navigable o or foreign commerce). If B(2, 4, 5 or 6) is used as the Basi.	(applies to any boxes checked above). If the jurisdictional water tes, describe connection(s) to the downstream navigable waters. It navigability and/or interstate commerce connection (i.e., discuss and/or how the destruction of the waterbody could affect interstate is of Jurisdiction, document the rationale used to make the document the rationale the rationale the rationale used to make the
Lateral Extent of Jurisdiction: (Reference: 33 CFR part [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	[] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] v	regetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland do	elineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part [] Headquarters declined to approve jurisdiction on the basis [] The Corps has made a case-specific determination that the the United States: [] Waste treatment systems, including treatment ponds or [] Artificially irrigated areas, which would revert to upland [] Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such pur rice growing. [] Artificial reflecting or swimming pools or other small on by excavating and/or diking dry land to retain water for [] Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition 328.3(a). [X] Isolated, intrastate wetland with no nexus to interstate [] Prior converted cropland, as determined by the Natural F [] Non-tidal drainage or irrigation ditches excavated on dry [] Other (explain):	s of 33 CFR part 328.3(a)(3). e following waters present on the site are not Waters of lagoons, pursuant to 33 CFR part 328.3. d if the irrigation ceased. diking dry land to collect and rposes as stock watering, irrigation, settling basins, or rnamental bodies of water created primarily aesthetic reasons. o construction activity and pits excavated in dry land for until the construction or excavation operation is finition of waters of the United States found at 33 CFR commerce. Resources Conservation Service. Explain rationale: y land. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERMI. [X] Maps, plans, plots or plat submitted by or on behalf of the [X] Data sheets prepared/submitted by or on behalf of the app [X] This office concurs with the delineation report, dated in the concurs with the delineation report.	e applicant.

P.E., P.P.	
[] This office does not concur with the delineation report, dated , prepared by (company):	
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologie Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps: Weehawken	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles;	
[] USDA Natural Resources Conservation Service Soil Survey:	
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: October 23, 2006	
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands scparated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE NUMBER:	NAN-2007-433		(CENAIN)
PROJECT LOCA	TION INFORMATION:		
State:	New Jersey		
County:	Hudson		
Center coordinates	of site (latitude/longitude):	lat:40-47-4	46 lon:74-1-46
Approximate size	of area (parcel) reviewed, inc	uding upla	ands: 3.19 acres.
	aterway: Cromakill Creck		
Name of watershed	i: Hackensack River		
JURISDICTIONA	L DETERMINATION		•
Completed:	Desktop determination	[]	Date:
	Site visit(s)	[X]	Date(s): October 23, 2006
Jurisdictional Dete	rmination (JD):		
United Sta			e appear to be (or) [] there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable
[X] Approved JD - A	• • • • • • • • • • • • • • • • • • • •	ble aetion	(Reference 33 CFR part 331).
	gable waters of the United St wed area. Approximate size of		efined by 33 CFR part 329 and associated guidance) ional area: .
	aters of the United States" (as Approximate size of jurisdicti	-	33 CFR part 328 and associated guidance) within the 0.78 acres.
	_		r wetlands" within the reviewed area. Information Sheet for Determination of No Jurisdiction.
	CTIONAL DETERMINAT		
	-	_	raters of the United States":
	waters that are subject to the e be susceptible for use to trans		w of the tide and/or are presently used, or have been used tate or foreign commerce.
	der 33 CFR part 328.3(a) as		
			re used in the past, or may be susceptible to use in
	_		h are subject to the ebb and flow of the tide.
	interstate waters including in		
			ers, streams (including intermittent streams), mudflats,
			ws, playa lakes, or natural ponds, the use, degradation or
			luding any such waters (check all that apply):
		_	ers for recreational or other purposes.
			old in interstate or foreign commerce.
		-	dustries in interstate commerce.
	f waters otherwise defined as		
	f a tributary to a water identif	ied in (1)	- (4) above.
[] (6) The presence of	territorial seas.		

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The three wetland areas on site discharged to the Cromakill Creek, a tidal tributary to the Haekensack River.

Lateral Extent of Jurisdiction: (Reference: 33 CFR page 1	arts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or seum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristies
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[X] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetlan	nd delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR pa	
[] Headquarters declined to approve jurisdiction on the ba	
	the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment ponds	
[] Artificially irrigated areas, which would revert to upl	
[] Artificial lakes and ponds created by excavating and/	
rice growing.	ourposes as stock watering, irrigation, settling basins, or
[] Artificial reflecting or swimming pools or other small	
by excavating and/or diking dry land to retain water for	
7.7	l to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unless and	-
abandoned and the resulting body of water meets the d 328.3(a).	definition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to interstate	commerce.
[] Prior converted cropland, as determined by the Natura	
[] Non-tidal drainage or irrigation ditches excavated on of	fry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	INATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf of	
[X] Data sheets prepared/submitted by or on behalf of the a	
	October 1, 2006, prepared by (company): George D. Casino
[] This office does not concur with the delineation report,	, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Gcological Survey Hydrologic Atlas:	
IX LUS. Geological Survey 7.5 Minute Topographic maps:	Weehawken

[] [] []

[] U.S. Geological Survey 7.5 Minute Historic quadrangles:
[] U.S. Geological Survey 15 Minute Historic quadrangles:
[] USDA Natural Resources Conservation Service Soil Survey:
[] National wetlands inventory maps:
[] State/Local wetland inventory maps:
[] FEMA/FIRM maps (Map Name & Date):
[] 100-year Floodplain Elevation is: (NGVD)
[] Aerial Photographs (Name & Date):
[] Other photographs (Date):
[] Advanced Identification Wetland maps:[X] Site visit/determination conducted on: October 23, 2006
] Applicable/supporting case law:
Other information (please specify):
Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (8

Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2007-571-ERA PROJECT LOCATION INFORMATION: New York State: County: Rockland Center coordinates of site (latitude/longitude): lat: 41.2070 lon: -74.0262 Approximate size of area (parcel) reviewed, including uplands: 0.02 acres Name of nearest waterway: MINISCEONGO CREEK Name of watershed: HUDSON RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination [x]Date: January 22, 2007 Site visit(s) []Date(s): Jurisdictional Determination (JD): [x] Preliminary JD - Based on available information, [x] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [](3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [x] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The North Branch of the Minisceongo Creek is a tributary to the Hudson River, which is considered to be a navigable water of the United States and subject to the cbb and flow of the tide.

Lateral Extent of Jurisdiction: (Reference: 33 CFR part	s 328 and 329)
[x] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[x] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[x] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[x] shelving	[] other:
[] other:	
••	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; [] v	vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland d	lelineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the bas	is of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that th	
the United States:	
[] Waste treatment systems, including treatment ponds or	r lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to uplar	nd if the irrigation ccased.
[] Artificial lakes and ponds created by excavating and/or	r diking dry land to collect and
retain water and which are used exclusively for such pu	urposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other small of	omamental bodies of water created
by excavating and/or diking dry land to retain water for	primarily aesthetic reasons.
[] Water-filled depressions created in dry land incidental	to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unless and	until the construction or excavation operation is
abandoned and the resulting body of water meets the de	efinition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate	commerce.
[] Prior converted cropland, as determined by the Natural	Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated on d	ry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	
[x] Maps, plans, plots or plat submitted by or on behalf of the	
[] Data sheets prepared/submitted by or on behalf of the app	olicant.
[] This office concurs with the delineation report, dated	, prepared by (eompany):
[] This office does not coneur with the delineation report,	, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Surv	rey:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Datc):	
[x] Other photographs (Datc):	
[] Advanced Identification Wetland maps:	

[] Site visit/determination conducted on:
[] Applicable/supporting case law:
[] Other information (please specify):
¹ Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual)
(i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2007-710-EJE PROJECT LOCATION INFORMATION: New York State: Westchester County: Center coordinates of site (latitude/longitude): lat:40-57-10.14 lon:73-46-28.60 Approximate size of area (parcel) reviewed, including uplands: 5 acres. Name of nearest waterway: Sheldrake River/Diekermans Pond Name of watershed: Bronx JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: May 29, 2007 Date(s): Site visit(s) [] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [](1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹.

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or eould be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: Dickermans Pond is tributary to Sheldrake River, which is tributary to the Bronx River and the Atlantic Ocean

Lateral Extent of Jurisdiction: (Reference: 33 CFR part	is 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; [] v	vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetlar Westchester County Department of Planning	nd delineation map and/or in a delineation report prepared by: Lisa Vasilakos,
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part	: 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the bas	
[] The Corps has made a case-specific determination that the	
the United States:	-
[] Waste treatment systems, including treatment ponds or	lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to uplar	nd if the irrigation ceased.
[] Artificial lakes and ponds created by excavating and/or	r diking dry land to collect and
retain water and which are used exclusively for such pu	irposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other small of	
by excavating and/or diking dry land to retain water for	
[] Water-filled depressions created in dry land incidental	
the purpose of obtaining fill, sand, or gravel unless and	·
abandoned and the resulting body of water meets the de	efinition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate of	
[] Prior converted cropland, as determined by the Natural	·
[] Non-tidal drainage or irrigation ditches excavated on d	ry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf of the	
Data sheets prepared/submitted by or on behalf of the app	• •
[] This office concurs with the delineation report, dated	, prepared by (company):
[] This office does not concur with the delineation report,	
[] Data sheets prepared by the Corps.), L. L
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps:	·
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Surv	ey:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Acrial Photographs (Namc & Date):	
[] Other photographs (Date):	

[] Advanced Identification Wetland maps:	
[] Site visit/determination conducted on:	
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

NAN-2007-711-EJE

PROJECT	LOCA	ATION	INFO	DRMA	TION:
---------	------	-------	------	------	-------

State:

New York

County:

Suffolk

Center coordinates of site (latitude/longitude): lat:40-54-27.39 lon:72-21-23.14

Approximate size of area (pareel) reviewed, including uplands: 1 acre.

Name of nearest waterway: Mill Creek Name of watershed: Long Island

JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

[X]

[]

Date: May 29, 2007

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

[] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.
 - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 - [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign eommerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: Mill Creek drains into Southern Long Island watershed waters, and into Sag Harbor, which enters the Atlantic Ocean, and portions of the project area are subject to the ebb and flow of the tide.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 3	328 and 329)
[X] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[X] physical markings/characteristics
[] destruction of terrestrial vegetation	[X] tidal gages
[X] shelving	[] other:
[] other:	
	•
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; [] veg	getation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland de	clineation map and/or in a delineation report prepared by: NYSDOT
Pagis For Not Asserting Jurisdictions	
Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part 33	28/a)/1 2 or 4.7)
[] Headquarters declined to approve jurisdiction on the basis	
[] The Corps has made a case-specific determination that the	
the United States:	toffowing waters present on the site are not waters of
[] Waste treatment systems, including treatment ponds or la	agoons nursuant to 33 CFR part 328 3
[] Artificially irrigated areas, which would revert to upland	
[] Artificial lakes and ponds created by excavating and/or d	
retain water and which are used exclusively for such purp	
rice growing.	which as stock watering, inigation, seeming busines, or
[] Artificial reflecting or swimming pools or other small on	namental hodies of water created
by excavating and/or diking dry land to retain water for p	
Water-filled depressions created in dry land incidental to	
the purpose of obtaining fill, sand, or gravel unless and un	
abandoned and the resulting body of water meets the defin	
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate con	mmerce.
[] Prior converted eropland, as determined by the Natural R	
[] Non-tidal drainage or irrigation ditches excavated on dry	
[] Other (explain):	The second secon
[](
DATA REVIEWED FOR JURISDICTIONAL DETERMI	INATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf of the	applicant.
[] Data sheets prepared/submitted by or on behalf of the applie	
[] This office concurs with the delineation report, dated ,	, prepared by (company):
[] This office does not concur with the delineation report, de	ated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Survey	<i>j</i> :
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	·
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	

L	Site visivdetermination conducted on:
[]	Applicable/supporting case law:
[]	Other information (please specify):
ŀν	Vetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) NAN-2007-712-EJE FILE NUMBER: PROJECT LOCATION INFORMATION: New Jersey State: County: Monmouth Center coordinates of site (latitude/longitude): lat:40-54-27.39 lon:72-21-23.14 Approximate size of area (parcel) reviewed, including uplands: 1 acre. Name of nearest waterway: Shrewsbury River Name of watershed: Sandy Hook/Staten Island JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: May 29, 2007 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 5 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [](3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [](6) The presence of territorial seas. [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The Shrewsbury River is subject to the ebb and flow of the tide and drains into the Atlantic Ocean.

Lateral Extent of Jurisdiction: (Reference: 33 CFR par	ts 328 and 329)
[] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shall or debris deposits (foreshore)
[] changes in the character of soil	[X] physical markings/characteristics
[] destruction of terrestrial vegetation	[X] tidal gages
[] shclving	[] other:
[] other:	
[] Mcan High Water Mark indicated by:	
[] survey to available datum; [] physical markings; []	vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetlan USFWS	nd delineation map and/or in a delineation report prepared by: Eric Schrading,
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR par	t 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the bas	sis of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that the	he following waters present on the site are not Waters of
the United States: [] Waste treatment systems, including treatment ponds o	or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to upla	
[] Artificial lakes and ponds created by excavating and/o	
	urposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other small	ornamental bodies of water created
by excavating and/or diking dry land to retain water fo	
	to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unless and	· · · · · · · · · · · · · · · · · · ·
abandoned and the resulting body of water meets the d	cfinition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate	commerce.
[] Prior converted cropland, as determined by the Natura	l Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated on o	Iry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETER	MINATION (mark all that apply)
[X] Maps, plans, plots or plat submitted by or on behalf of t	
Data sheets prepared/submitted by or on behalf of the app	• •
[] This office concurs with the delineation report, dated	, prepared by (company):
[] This office does not concur with the delineation report	
Data sheets prepared by the Corps.	, , , , , , , , , , , , , , , , , , ,
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minure Topographic maps:	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	:
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Surv	
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	

[] Advanced Identification Wetland maps:	
[] Site visit/determination conducted on:	
[] Applieable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.